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EXAMINER

CHERVINSKY, BORIS LEO

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/152,659
Filing Date: September 14, 1998
Appellant(s): CORISIS ET AL.

Robert A. Manware, Reg. No. 48,758
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/16/2008 appealing from the Office action mailed 3/05/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,239,199	Chiu	8-1993
5,815,371	Jeffries et al.	9-1998
5,050,039	Edfors	9-1991

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5,432,678	Russell et al.	7-1995
5,343,366	Cipolla et al.	8-1994
5,812,374	Shuff	9-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 33-38, 41, 42, 68, 69, 70, 71-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiu in view of Jeffries et al. or Edfors or Russell et al.

Chiu discloses an electronic device, comprising: a plurality of integrated circuit packages 10; a contact surface 32,33 electrically connected to each of said packages; and a support 31 arranged to engage each of said packages at a point spaced above said surface to prevent movement of said packages relative to said surface; each of said packages is contacted on its upper end; the support 31 includes a pair of surfaces 16 which engage each of said packages on two opposed surfaces, sandwiching said packages; the support is resiliently biased against the sides of said packages (see Fig. 10); the support 31 contacts the side edges of said packages 10; the support 31 is

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made of a heat conducting material. With respect to claims 68 and 69, Chiu discloses an electronic device comprising a plurality of integrated circuit packages 10 connected to a surface 33; and at least one rail 31 coupled to the surface 33, wherein the rail extends along the sides of the plurality of integrated circuit packages and is configured to engage the plurality of integrated circuit packages 10; the at least one rail is coupled to the surface by at least one post coupled to the surface and extending perpendicularly therefrom.

With respect to claims 71-73, Chiu discloses an electronic device, comprising: a plurality of integrated circuit packages 10 connected to a surface 33; and a cross piece (upper part of the support 31) coupled to the surface and extending over the plurality of integrated circuit packages 10 in a direction transverse to the plurality of integrated circuit packages; a plurality of supports (vertical portions of 31) extend from the cross piece towards the surface 33 and 16 and are configured to engage the plurality of integrated circuit packages. With respect to claims 41 and 70 Chiu discloses the claimed invention except extending tabs/notch arrangement having tab extending from the support and the notch is disposed in the module. Jeffries discloses the notch in the support. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide tab extending from the support and engaging the notch in the module as one of the choices to provide reliable structural contact since and is well known in the art and it appears to be not critical for the invention.

Chiu discloses the claimed invention except having the support being secured to the surface. Jeffries, as well as Edfors and Russell, discloses the support being secured to

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the surface of a circuit board. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to secure the support as disclosed by Jeffries and others in the device disclosed by Chiu for better stability.

3. Claims 39, 40, 43-45, 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiu in view of Jeffries et al. and further in view of Cipolla et al. or alternatively in view of Shuff.

Chiu discloses the claimed invention except resilient or foam material. Cipolla (see abstract) as well as Shuff (see abstract) disclose the resilient or foam material used to engage modules. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the resilient material or foam as disclosed by Cipolla or Shuff in the device disclosed by Chiu in order to provide reliable contact and thermal conduction.

(10) Response to Argument

In response to Appellant's argument 1(one) that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the prior art clearly disclose all claimed elements and the motivation to combine is to provide better stability for the structure.

In response to Appellant's argument 2(two) regarding claim 68 that the element such as the rail that extends along the sides of the plurality of integrated circuit packages is not disclosed by the prior art is not considered as valid since these elements are interpreted in reasonably broad meaning of the terms used in claims; the upper portion of the element 31 is interpreted as the rail and it is extending along the sides of the plurality of integrated circuit packages 10, and it happens to be top sides, but claim does not specify the orientation of the sides therefore it is interpreted in its broad meaning.

In response to Appellant's argument 3(three) regarding claim 71 that the cross piece coupled to the surface and extending over the plurality of packages in the traverse direction to the packages is not disclosed by the prior art is not considered as valid since the top portion of element 31 is considered by the examiner as the cross piece

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that extending over the plurality of integrated circuit packages 10 in the direction transverse to integrated packages 10 and is coupled to the surface of the element 32 by the plurality of supports or posts (side portions of element 31) extending perpendicularly from the cross piece.

In response to Appellant's argument 4(four) that because the prior art to Chiu teaches the removable support structure as to allow testing and burn-in functions would not allow to combine its teaching with secured supporting structures as disclosed by Jeffries, Edfors or Russell as being non-obvious is not persuasive. As stated above for argument 1 (one), it is clearly suggested by all prior art, that the support can be secured to the surface as to achieve better stability of the structure.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Boris L. Chervinsky/

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